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ACLU Assails Bill To Protect Agents

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A proposal to impose heavy criminal penalties on Americans who deliberately identify U.S. undercover intelligence agents is unconstitutional, the American Civil Liberties Union told Congress yesterday.

ACLU spokesmen Jerry Berman and Morton Halperin testified in the second day of House subcommittee hearings on the bill, which is backed by President Reagan, the Democratic and Republican House leaders and the CIA. The committee is expected to approve it.

Support for the bill came in other testimony from the Association of Former Intelligence Officers. But a spokesman for the Society of Professional Journalists, Sigma Delta Chi, said it would violate constitutional guarantees of free speech.

The proposed House bill would provide fines of up to \$50,000 and imprisonment for up to 10 years for citizens who disclose names of undercover agents with the purpose of exposing them and impeding U.S. intelligence activities.

Similar legislation is coming up in the Senate. The legislation failed to pass during the last session of Congress.

"There is no practical or constitutional way to accomplish the objectives of this legislation," Halperin said. "Thus, what we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment."

The legislation, he said, would make it a crime to publish names already available in the U.S. government's Biographic Register — now restricted in distribution — or known as a matter of course by American journalists abroad.

Halperin said it was the executive branch's responsibility to provide better cover for its agents.

But John Warner, a former CIA counsel and now with the Association of Former Intelligence Agents, said publication of the agents' names jeopardized their lives and those of their families. He cited specific cases of murders and attempted murders over the years.

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